

Message Text

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PAGE 01 STATE 221435
ORIGIN EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 ICAE-00
CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00
PA-01 SP-02 SS-15 MCT-02 SMS-01 EB-08 FAA-00
DOTE-00 /061 R

DRAFTED BY EUR/EE: JMSEYMOUR:AE
APPROVED BY EUR/EE: CWSCHMIDT
M/CT: JJOHNSON
EUR/CE: WWOESSNER

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FM SECSTATE WASHDC
TO AMEMBASSY WARSAW IMMEDIATE
INFO AMEMBASSY MOSCOW IMMEDIATE
AMEMBASSY BONN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
USMISSION USBERLIN
USCINCEUR VAIHINGEN GL
CINCUSAREUR HEIDELBERG GER

C O N F I D E N T I A L STATE 221435

E.O. 11652: GDS

TAGS: PIN, WB, PL, GE

SUBJECT: POLISH EMBASSY DEMARCHE ON HIJACKING OF POLISH
AIRLINER

REF: WARSAW 7654

1. SUMMARY. POLISH DCM PAWLISZEWSKI, ACTING ON INSTRUC-
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TIONS, AT NOON ON AUGUST 30 CALLED ON EE DIRECTOR SCHMIDT,
TO REQUEST U.S. COOPERATION IN EFFECTING RETURN OF THE
PASSENGERS, CREW, AND AIRCRAFT, AS WELL AS IN "HANDING OVER"
THE HIJACKERS TO POLISH AUTHORITIES. SCHMIDT INFORMED
PAWLISZEWSKI THAT PLANE AND CREW HAD RETURNED TO SCHOENEFELD
AND THAT MOST PASSENGERS HAD BEEN BUSSED TO EAST BERLIN.
HE POINTED OUT THAT THOSE CHOOSING TO REMAIN WERE NOT

POLISH. PAWLISZEWSKI COULD NOT CONFIRM THAT HIS DEMARCHE CONSTITUTED A FORMAL REQUEST FOR EXTRADITION. END SUMMARY.

2. EXPLAINING THAT HE HAD ASKED FOR AN URGENT APPOINTMENT IN THE ABSENCE OF THE AMBASSADOR, WHO IS IN NEW YORK, PAWLISZEWSKI SAID HE HAD INSTRUCTIONS TO APPROACH THE DEPARTMENT CONCERNING THE HIJACKING. HE SAID THE POLISH MILITARY MISSION IN WEST BERLIN HAD BEEN INSTRUCTED TO TAKE

STEPS FOR THE RETURN OF THE PLANE WITH ITS PASSENGERS AND CREW AND FOR THE HANDING OVER TO POLAND OF THE HIJACKERS. HE SAID HE HAD BEEN INSTRUCTED TO APPROACH THE U.S. AS A 4-POWER AGREEMENT SIGNATORY TO ASK THE "RETURN" OF THE AIRCRAFT, CREW, PASSENGERS AND HIJACKERS TO POLAND. HE ASKED FOR U.S. SUPPORT AND REQUESTED THAT WE GIVE POSITIVE CONSIDERATION TO THIS REQUEST. PAWLISZEWSKI CITED THE U.S. POSITION ON AIR PIRACY AND THAT OF THE RECENT BONN SUMMIT MEETING.

3. SPECIFYING HIS TWO POINTS AT SCHMIDT'S REQUEST, PAWLISZEWSKI REITERATED THAT POLAND SEEKS: 1) RETURN OF THE PLANE WITH ITS PASSENGERS AND CREW AND 2) "HANDING OVER" OF THE HIJACKERS. HE AGAIN NOTED THAT THE POLISH MILITARY MISSION HAS ALREADY TAKEN THESE STEPS AND HE HAS BEEN INSTRUCTED TO ASK FOR THE DEPARTMENT'S SUPPORT.

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4. RESPONDING, SCHMIDT NOTED THAT WE ARE INFORMED ABOUT MR. KRYSTOSIK'S DEMARCHE WITH A SIMILAR REQUEST TO OUR EMBASSY IN WARSAW (REFTEL). SCHMIDT ALSO BRIEFED PAWLISZEWSKI ON LATEST DEVELOPMENTS, NOTING THAT THE AIRCRAFT AND CREW OF 8 PLUS 18 PASSENGERS HAD ALREADY LEFT FOR SCHOENEFELD AIRPORT IN EAST BERLIN AT 4:00 P.M. LOCAL TIME. HE SAID ANOTHER GROUP OF 34 PASSENGERS HAD GONE BY BUS TO WALTERSDORFERCHAUSSEE WHERE SOVIET AUTHORITIES ARE WAITING TO RECEIVE THEM. HE ADDED THAT 8 OTHER PASSENGERS HAVE CHOSEN NOT TO PROCEED TO EAST BERLIN. AMONG THEM IS ONE FRG CITIZEN, THE REST ARE EAST GERMAN. FINALLY, SCHMIDT SAID THE HIGHJACKER, HIS ACCOMPLICE AND CHILD ALL OF WHOM ARE GDR CITIZENS ARE IN CUSTODY OF US MILITARY POLICE AND THEIR DISPOSITION IS STILL UNDER CONSIDERATION. HE EXPRESSED RELIEF THAT THERE WERE NO INJURIES INVOLVED.

5. CONCLUDING, SCHMIDT SAID WE CANNOT SAY ANYTHING MORE AT THIS POINT, BUT WE WILL GIVE FULL CONSIDERATION TO THE POLISH REQUEST. SPECIFICALLY, HE NOTED THAT WE WOULD CONSIDER A "FORMAL REQUEST FOR EXTRADITION" IN LIGHT OF OUR OBLIGATIONS UNDER THE HAGUE CONVENTION.

6. PAWLISZEWSKI ASKED IF WE EXPECT THE GOP TO MAKE A FORMAL REQUEST FOR EXTRADITION, AND SCHMIDT REPLIED THAT MR. KRYSOSIK'S REQUEST INDICATES, ACCORDING TO OUR INFORMATION, THAT THE GOP EXPECTS FULL COOPERATION AND SUPPORT AND ALSO, "IF NECESSARY," EXTRADITION OF THE HIJACKER. SCHMIDT SAID HIS UNDERSTANDING IS THAT THIS DOES NOT CONSTITUTE A FORMAL REQUEST FOR EXTRADITION. PAWLISZEWSKI COULD NOT SAY FOR SURE ON THE BASIS OF HIS CURRENT INSTRUCTIONS BUT INDICATED HE WOULD SEEK CLARIFICATION.

7. FYI. HAGUE ANTI-HIJACKING CONVENTION REQUIRES CONTRACTING PARTIES TO ESTABLISH "JURISDICTION OVER THE OFFENCE (HIJACKING) IN THE CASE WHERE THE ALLEGED OFFENDER IS PRESENT IN ITS TERRITORY AND IT DOES NOT EXTRADITE
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HIM" (ARTICLE 4.2) AND OBLIGES A CONTRACTING PARTY IN WHOSE TERRITORY THE ALLEGED OFFENDER IS "FOUND", IF IT DOES NOT EXTRADITE HIM, "TO SUBMIT THE CASE TO ITS COMPETENT AUTHORITIES FOR THE PURPOSE OF PROSECUTION." (ARTICLE 7). PROSECUTION OPTIONS ARE CURRENTLY UNDER REVIEW IN WASHINGTON AND IN CONSULTATION WITH GERMAN AUTHORITIES. EXTRADITION, AT THIS POINT, IS NOT AN OPTION WHICH WE WISH TO PURSUE. END FYI. CHRISTOPHER

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APPROVED BY: EUR/CE:WMWOESSNER

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C O N F I D E N T I A L STATE 221435

FOLLOWING REPEAT STATE 221435, ACTION WARSAW INFO MOSCOW BONN
BERLIN LONDON USBERLIN USCINCEUR CINCUSAREUR 30 AUG:

QUOTE C O N F I D E N T I A L STATE 221435

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NOTE BY OC/T: ORIGINAL DIST: EUR/ISO,SSO,NSCE,INREE,ICAE,
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Message Attributes

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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, AIRCRAFT HIJACKING
Control Number: n/a
Copy: SINGLE
Draft Date: 30 aug 1978
DecapTION Date: 01 jan 1960
DecapTION Note:
Disposition Action: Released in Full
Disposition Approved on Date:
Disposition Case Number: 200701569,200600072
Disposition Comment: RECORDING OF CLASSIFICATION/RECLASSIFICATION ACTION IN SAS (STATE ARCHIVING SYSTEM) BY THE DESIGNATED AUTHORITY FOR THIS ACTION, WHO HAS APPROVED RECLASSIFICATION AND OR EXTENSION ACTION ON THIS DOCUMENT.
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Secure: OPEN
Status: NATIVE
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TAGS: PINS, WB, PL, GC
To: WARSAW
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vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/3aeef662-c288-dd11-92da-001cc4696bcc
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